

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL GARRISON,

Plaintiff,

vs.

CIVIL ACTION NO. 06-CV-13258-DT

DISTRICT JUDGE NANCY G. EDMUNDS

BETH DAVIS, et al.,

Defendants.

MAGISTRATE JUDGE MONA K. MAJZOUN

OPINION AND ORDER RESOLVING DISCOVERY MOTIONS

This matter comes before the Court on several discovery motions. This is a *pro se* civil rights action filed by a Michigan state prisoner. (Docket no. 45). Defendants Jerome and Scott have filed a Motion for Summary Judgment (Docket no. 36) which is pending now. In connection with that motion, these same two Defendants filed a Motion to Stay Discovery. (Docket no. 48). Plaintiff has not responded to that motion, and the time for responding has now expired. Plaintiff has made clear his opposition to a stay of discovery, however, by filing his “Motion to Deny the Defendant’s Motion for Summary Judgment as Premature.” (Docket no. 37). Defendants have not responded to that motion, and the time for responding has now expired. Plaintiff has also filed a Motion to Compel Discovery. (Docket no. 49). Finally, Plaintiff filed a Motion for a 14 Day Extension to File an Amended Complaint on May 19, 2008. (Docket no. 42). Defendants have not responded to that motion, and the time for responding has now expired. All of these pending motions, except for summary judgment, are now ready for ruling. The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e).

Because this is a *pro se* prisoner proceeding it is exempted from the initial disclosure requirements of Fed. R. Civ. P. 26. Fed. R. Civ. P. 26(a)(1)(B)(iv). In addition, Defendants raise the defense of qualified immunity as state employees in their motion for summary judgment. (Docket no. 36). The Sixth Circuit has made clear that when such a motion is filed discovery should not be allowed until after the immunity question is resolved. *Skousen v. Brighton High School*, 305 F.3d 520, 526-27 (6th Cir. 2002). In accordance with this authority, discovery will be stayed pending consideration of Defendants' summary judgment motion. Plaintiff has now filed his Amended Complaint (docket no. 45) for which he requested the extension of time to file. Therefore, that motion will be granted and docket number 45 will be accepted as Plaintiff's Amended Complaint.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Deny as Premature (docket no. 37) is **DENIED**; Plaintiff's Motion to Extend (docket no. 42) is **GRANTED**; Defendants' Motion to Stay Discovery (docket no. 48) is **GRANTED**; and Plaintiff's Motion to Compel Discovery (docket no. 49) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff may file a response to the merits of Defendants' summary judgment motion on or before July 28, 2008.

IT IS FURTHER ORDERED that docket no. 45 is accepted as Plaintiff's Amended Complaint.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: July 14, 2008

s/ Mona K. Majzoub

MONA K. MAJZOUN
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Michael Garrison and Counsel of Record on this date.

Dated: July 14, 2008

s/ Lisa C. Bartlett
Courtroom Deputy